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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,243	01/22/2002	Maurice Israel	033532-001	8007

7590 06/06/2006

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EXAMINER	
MCINTOSH III, TRAVISS C	
ART UNIT	**PAPER NUMBER**
1623	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/051,243	ISRAEL ET AL.	
	Examiner	Art Unit	
	Traviss C. McIntosh	1623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/21/06*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9,10 and 12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9, 10, 12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The Amendment filed February 21, 2006 has been received, entered into the record, and carefully considered. The following information provided in the amendment affects the instant application by:

Claims 9 and 12 have been amended.

No claims have been added

Claims 1-8 and 11 are canceled.

Remarks drawn to rejections of Office Action mailed October 20, 2005 include:

102(b) rejection: which has been overcome by applicant's amendments and has been withdrawn.

An action on the merits of claims 9, 10, and 12 is contained herein below. The text of those sections of Title 35, US Code which are not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blache et al. (US 5,523,322) in view of Neiva et al. ("Aluminum induces lipid peroxidation and aggregation of human blood platelets", Brazilian Journal of Medical and Biological research, vol. 30, pp. 599-604, 1997).

Claims 9, 10, and 12 are drawn to methods of treating various diseases or conditions associated with the excessive release of glutamate, optionally being Alzheimer's disease, using compounds of formula I or II.

Blache et al. teach methods of inhibiting blood-platelet aggregation with compounds of formula I or II (see abstract). What they do not teach is treating Alzheimer's disease.

Nevia et al. teaches that platelet aggregation occurs in Alzheimer's patients (see abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to administer the naphthoquinone derivatives of Blache et al. to treat Alzheimer's disease with these references before them. The logic flows from the fact that Blache et al. teach that the compounds are capable of inhibiting platelet aggregation and Nevia teach that platelet aggregation occurs in Alzheimer's patients. One would have been motivated to use the compounds in the methods of treating Alzheimer's disease as the compounds are known to inhibit platelet aggregation and platelets are known to aggregate in Alzheimer's patients.

Claims 9, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blache et al. (US 5,523,322) in view of Neu et al. ("Platelet aggregation and multiple sclerosis", Acta neurol. scandinav., vol. 66, pp. 497-504, 1982).

Claims 9, 10, and 12 are drawn to methods of treating various diseases or conditions associated with the excessive release of glutamate, optionally being multiple sclerosis (MS), using compounds of formula I or II.

Blache et al. teach methods of inhibiting blood-platelet aggregation with compounds of formula I or II. What they do not teach is treating MS.

Neu et al. teach that platelet aggregation occurs in MS patients (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to administer the naphthoquinone derivatives of Blache et al. to treat MS with these references before them. The logic flows from the fact that Blache et al. teach that the compounds are capable of inhibiting platelet aggregation and Neu et al. teach that platelet aggregation occurs in MS patients. One would have been motivated to use the compounds in the methods of treating MS as the compounds are known to inhibit platelet aggregation and platelets are known to aggregate in MS patients.

Claims 9, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blache et al. (US 5,523,322) in view of Lechner et al. ("Parkinson's with a high vascular risk – Lechner-Ott Syndrome", Wiener medizinische Wochenschrift, vol. 136, no. 15-16, pp. 387-91, 1986).

Claims 9, 10, and 12 are drawn to methods of treating various diseases or conditions associated with the excessive release of glutamate, optionally being multiple sclerosis (MS), using compounds of formula I or II.

Blache et al. teach methods of inhibiting blood-platelet aggregation with compounds of formula I or II. What they do not teach is treating MS.

Lechner et al. teach that platelet aggregation occurs in Parkinsonism patients (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to administer the naphthoquinone derivatives of Blache et al. to treat Parkinson disease with these references before them. The logic flows from the fact that Blache et al. teach that the compounds are capable of inhibiting platelet aggregation and Lechner et al. teach that platelet aggregation occurs in Parkinson patients. One would have been motivated to use the compounds in the methods of treating Parkinson as the compounds are known to inhibit platelet aggregation and platelets are known to aggregate in Parkinson patients.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traviss C. McIntosh whose telephone number is 571-272-0657. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia A. Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Traviss McIntosh

May 25, 2006

Shaojia A. Jiang

Supervisory patent Examiner

Art Unit 1623